IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO: 1562 of 2005

Between:

C.S.Surendra Babu, s/o C.Satyanarayana Shetty, Conductor APSRTC, R/o Gownipally Post, Kadiri Mandal, Anantapur District.

... PETITIONER

AND

The Depot Manager, Hindupur Depot, Hindupur, Anantapur District.

...RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or orders or direction more particularly one in the nature of writ of mandamus, declaring the action of the respondent in imposing major penalty vide proceedings No.PA/62(57)/91-HDP, dated 2-3-1991 without conducting enquiry as illegal, arbitrary, unjustified, unsustainable, contrary to law and violative of principles of natural justice and set aside the same and consequently direct the respondent to add two annual increment to the pay of the petitioner.

Counsel for the Petitioner: MR.A.RAMA RAO

Counsel for the Respondent: MR.P.VINAYAKA SWAMY

The Court, at the admission stage, made the following:

ORDER:

Alleging that petitioner committed certain irregularities, a chargesheet was issued to him on 20-02-1991 calling for his explanation. The writ petitioner gave his explanation dated
27-02-1991 denying the charges. Without conducting any enquiry, the Disciplinary Authority imposed a penalty of deferment of two annual increments with cumulative effect by its proceedings dated 02-03-1991s. Questioning the same, the present writ petition is filed.

2. Learned counsel appearing for the writ petitioner contended that imposing a major penalty without conducting any enquiry is illegal and since the incident in question has taken place long back, instead of remitting the matter to the Disciplinary Authority, he prays to add two annual increments.

3. For certain irregularities, a chargesheet was issued to him and an explanation was called for. Without considering the explanation offered by the petitioner and without conducting any enquiry, a penalty of deferment of two annual increments with cumulative effect was imposed on him. There cannot be any dispute that imposing the penalty of deferment of two annual increments with cumulative effect is a major penalty. But such a major penalty cannot be imposed without conducting any departmental enquiry. Though it is matter to be remitted back to the Disciplinary Authority for appropriate decision, as the incident in question took place long back, therefore, considering the facts and circumstances of the case, minor penalty can be imposed on the petitioner.

In the result, the writ petition is disposed of modifying the penalty passed by the Disciplinary Authority to that of deferment of one annual increment without cumulative effect. In the circumstances, no costs.

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K.C. BHANU, J

February 3, 2005

MRR

Copy to:

1. The Depot Manager, Hindupur Depot, Hindupur, Anantapur District.
2. Two C.D. Copies.